

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Monday, September 8, 2003.

Met according to adjournment at eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Essex and Middlesex, Mr. Tarr, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

#### *Committees Discharged.*

Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Local Affairs and Regional Government to make an investigation and study of Senate document numbered 1178, relative to affordable elderly rental housing in Ipswich (Senate, No. 2075),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

#### PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the proceedings of the annual town meeting in the town of Palmer (House, No. 4141); and

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at a special town meeting held by the town of Rockland (House, No. 4142);

**Severally to the committee on Local Affairs and Regional Government.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4145) of James R. Miceli, Susan C. Tucker and Barry R. Finegold (by vote of the town) relative to the election and term of the board of health in the town of Tewksbury; and

Petition (accompanied by bill, House, No. 4146) of J. Michael Ruane (with the approval of the mayor and city council) relative to the use of alternative measures to notify voters of proposed charter questions in the city of Salem;

**Severally to the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4147) of Joseph R. Driscoll, Brian A. Joyce and Michael W. Morrissey (by vote of the town) relative to assessing a fee for the transfer of alcoholic beverage licenses in the town of Braintree; and

Petition (accompanied by bill, House, No. 4148) of William M. Straus and Mark C. Montigny (by vote of the town) that the licensing authority of the town of Fairhaven be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to HP Cooking, Inc;

**Severally to the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 4149) of Joseph R. Driscoll, Brian A. Joyce and Michael W. Morrissey (by vote of the town) relative to abolishing the Beautification Fund and transfer monies to the Stabilization Fund in the town of Braintree;

Petition (accompanied by bill, House, No. 4150) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) that the town of Wareham be authorized to use certain park land for sewer purposes;

Petition (accompanied by bill, House, No. 4151) of Bradley H. Jones Jr., Richard R. Tisei and Carol A. Donovan (by vote of the town) relative to prohibiting certain vehicles from West Street in the town of Reading;

Petition (accompanied by bill, House, No. 4152) of Stephen Kulik and Stanley C. Rosenberg (by vote of the town) relative to the construction of an elementary school in the town of Sunderland; and

Petition (accompanied by bill, House, No. 4153) of Douglas W. Petersen and Thomas M. McGee (by vote of the town) relative to the old and historic districts commission in the town of Marblehead;

**Severally to the committee on Local Affairs and Regional Government.**

Petition (accompanied by bill, House, No. 4154) of Joseph R. Driscoll and Michael W. Morrissey (by vote of the town) relative to room occupancy excises in the town of Braintree;

**To the committee on Taxation.**

A Bill authorizing the city of Somerville to issue certain general obligation bonds with level debt service (House, No. 3853,— on petition),— **was read and, under Senate Rule 26B, referred to the committee on Long-Term Debt and Capital Expenditures.**

A Bill authorizing the town of Hingham to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3886,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:

Resolutions (filed by Ms. Chandler) “commemorating the tenth anniversary celebration of the Notre Dame Long-Term Care Center of Worcester”;

Resolutions (filed by Mr. Moore, Ms. Chandler, Mr. Knapik, Ms. Melconian, Messrs. Morrissey, Pacheco and Shannon, Ms. Tucker and Ms. Wilkerson) “commemorating National Prostate Cancer Awareness Month”; and

Resolutions (filed by Messrs. Tolman and Barrios) “honoring Attorney Joseph H. Hogan on the twentieth anniversary of the Allston Brighton parade.”

#### *Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The Senate Bill authorizing the appointment of Kelly McNiff as a firefighter in the town of Bourne notwithstanding the maximum age requirement (Senate, No. 1968),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill relative to the city of Brockton’s contributions to the health insurance premiums of its retirees (House, No. 3867),— was read a second time.

Mr. Creedon presented amendments, in section 1 (as corrected by the House committee on Bills in the Third Reading), by inserting after the word “Brockton”, the first time it appears, the following words:— “to the health insurance premiums”; and by striking out section 2 (inserted by amendment by the House) and inserting in place thereof the following section:

“SECTION 2. This act shall take effect as of June 30, 2003.”.

**The amendments were adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.**

**Sent to the House for concurrence in the amendments.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4156) of Thomas P. Kennedy, Geraldine Creedon, Christine E. Canavan and Robert S. Creedon, Jr., relative to designating the district courthouse in the city of Brockton as the George N. Covett Courthouse;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 4157) of Gale D. Candaras and Linda J. Melconian that the retirement board of the city of Springfield be authorized to grant retirement benefits to Doris Shecrellah;

**Under suspension of Joint Rule 7B, to the committee on Public Service.**

*Order Adopted.*

On motion of Mr. Tarr,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjournment in Memory of Sergeant Charles Todd Caldwell.*

The Senator from Norfolk, Bristol and Middlesex, Ms. Jacques, and the Senator from Norfolk and Plymouth, Mr. Morrissey, requested that when the Senate adjourns, it adjourn in memory of Sergeant Charles Todd Caldwell. Sergeant Caldwell was killed in action in Iraq on Monday, September 1, 2003, while proudly serving with the 115<sup>th</sup> Military Police Company of the Rhode Island National Guard. He was the son of Charles and Gladys Caldwell of Quincy and the husband of Margaret Caldwell of Attleboro.

Accordingly, as a mark of respect to the memory of Sergeant Charles Todd Caldwell, at twelve minutes past eleven o'clock A.M., on motion of Mr. Shannon, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.